

AMENDED IN SENATE JULY 2, 2015
AMENDED IN ASSEMBLY APRIL 21, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 982

Introduced by Assembly Member Eggman

February 26, 2015

An act to amend ~~Sections 8205 and~~ *Section* 8263 of the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 982, as amended, Eggman. Child care and development: eligibility: homeless children.

~~Existing law provides that it is the intent of the Legislature that in providing child development programs the Superintendent of Public Instruction give priority to children of families that qualify for public assistance and other low-income and disadvantaged families.~~

~~This bill would also include homeless families as part of the intended priority for child development programs.~~

Existing law requires the Superintendent of *Public Instruction* to adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement laws relating to child care and development services. Existing law requires families to meet certain requirements in order to be eligible for subsidized child development services, including that the family needs child care services because the child is identified by a legal, medical, or social services agency, or emergency shelter as being a recipient of a protective service or being neglected, abused, or exploited, as provided.

This bill would expand the list of entities that can identify a child in need to include a local educational agency liaison for homeless children and youths, a Head Start program, or a transitional shelter. The bill would expand the list of children to be identified to include a homeless child.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 8205 of the Education Code is amended~~
2 ~~to read:~~

3 ~~8205. It is the intent of the Legislature that in providing child~~
4 ~~development programs the Superintendent give priority to children~~
5 ~~of families that qualify under applicable federal statutes or~~
6 ~~regulations as recipients of public assistance and other low-income~~
7 ~~and disadvantaged families, including homeless families. Federal~~
8 ~~reimbursement shall be claimed for a child receiving services~~
9 ~~pursuant to this chapter for whom federal funds are available.~~

10 ~~SEC. 2.~~

11 ~~SECTION 1.~~ Section 8263 of the Education Code is amended
12 ~~to read:~~

13 ~~8263. (a) The Superintendent shall adopt rules and regulations~~
14 ~~on eligibility, enrollment, and priority of services needed to~~
15 ~~implement this chapter. In order to be eligible for federal and state~~
16 ~~subsidized child development services, families shall meet at least~~
17 ~~one requirement in each of the following areas:~~

18 ~~(1) A family is (A) a current aid recipient, (B) income eligible,~~
19 ~~(C) homeless, or (D) one whose children are recipients of protective~~
20 ~~services, or whose children have been identified as being abused,~~
21 ~~neglected, or exploited, or at risk of being abused, neglected, or~~
22 ~~exploited.~~

23 ~~(2) A family needs the child care services (A) because the child~~
24 ~~is identified by a legal, medical, or social services agency, a local~~
25 ~~educational agency liaison for homeless children and youths~~
26 ~~designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of~~
27 ~~the United States Code, a Head Start program, or an emergency~~
28 ~~or transitional shelter as (i) a recipient of protective services, (ii)~~
29 ~~being neglected, abused, or exploited, or at risk of neglect, abuse,~~
30 ~~or exploitation, or (iii) being homeless or (B) because the parents~~

1 are (i) engaged in vocational training leading directly to a
2 recognized trade, paraprofession, or profession, (ii) employed or
3 seeking employment, (iii) seeking permanent housing for family
4 stability, or (iv) incapacitated.

5 (b) Except as provided in Article 15.5 (commencing with Section
6 8350), priority for federal and state subsidized child development
7 services is as follows:

8 (1) (A) First priority shall be given to neglected or abused
9 children who are recipients of child protective services, or children
10 who are at risk of being neglected or abused, upon written referral
11 from a legal, medical, or social services agency. If an agency is
12 unable to enroll a child in the first priority category, the agency
13 shall refer the family to local resource and referral services to
14 locate services for the child.

15 (B) A family who is receiving child care on the basis of being
16 a child at risk of abuse, neglect, or exploitation, as defined in
17 subdivision (k) of Section 8208, is eligible to receive services
18 pursuant to subparagraph (A) for up to three months, unless the
19 family becomes eligible pursuant to subparagraph (C).

20 (C) A family may receive child care services for up to 12 months
21 on the basis of a certification by the county child welfare agency
22 that child care services continue to be necessary or, if the child is
23 receiving child protective services during that period of time, and
24 the family requires child care and remains otherwise eligible. This
25 time limit does not apply if the family's child care referral is
26 recertified by the county child welfare agency.

27 (2) Second priority shall be given equally to eligible families,
28 regardless of the number of parents in the home, who are income
29 eligible. Within this priority, families with the lowest gross monthly
30 income in relation to family size, as determined by a schedule
31 adopted by the Superintendent, shall be admitted first. If two or
32 more families are in the same priority in relation to income, the
33 family that has a child with exceptional needs shall be admitted
34 first. If there is no family of the same priority with a child with
35 exceptional needs, the same priority family that has been on the
36 waiting list for the longest time shall be admitted first. For purposes
37 of determining order of admission, the grants of public assistance
38 recipients shall be counted as income.

39 (3) The Superintendent shall set criteria for, and may grant
40 specific waivers of, the priorities established in this subdivision

1 for agencies that wish to serve specific populations, including
2 children with exceptional needs or children of prisoners. These
3 new waivers shall not include proposals to avoid appropriate fee
4 schedules or admit ineligible families, but may include proposals
5 to accept members of special populations in other than strict income
6 order, as long as appropriate fees are paid.

7 (c) Notwithstanding any other law, in order to promote
8 continuity of services, a family enrolled in a state or federally
9 funded child care and development program whose services would
10 otherwise be terminated because the family no longer meets the
11 program income, eligibility, or need criteria may continue to
12 receive child development services in another state or federally
13 funded child care and development program if the contractor is
14 able to transfer the family's enrollment to another program for
15 which the family is eligible before the date of termination of
16 services or to exchange the family's existing enrollment with the
17 enrollment of a family in another program, provided that both
18 families satisfy the eligibility requirements for the program in
19 which they are being enrolled. The transfer of enrollment may be
20 to another program within the same administrative agency or to
21 another agency that administers state or federally funded child
22 care and development programs.

23 (d) In order to promote continuity of services, the Superintendent
24 may extend the 60-working-day period specified in subdivision
25 (a) of Section 18086.5 of Title 5 of the California Code of
26 Regulations for an additional 60 working days if he or she
27 determines that opportunities for employment have diminished to
28 the degree that one or both parents cannot reasonably be expected
29 to find employment within 60 working days and granting the
30 extension is in the public interest. The scope of extensions granted
31 pursuant to this subdivision shall be limited to the necessary
32 geographic areas and affected persons, which shall be described
33 in the Superintendent's order granting the extension. It is the intent
34 of the Legislature that extensions granted pursuant to this
35 subdivision improve services in areas with high unemployment
36 rates and areas with disproportionately high numbers of seasonal
37 agricultural jobs.

38 (e) A physical examination and evaluation, including
39 age-appropriate immunization, shall be required before, or within
40 six weeks of, enrollment. A standard, rule, or regulation shall not

1 require medical examination or immunization for admission to a
2 child care and development program of a child whose parent or
3 guardian files a letter with the governing board of the child care
4 and development program stating that the medical examination or
5 immunization is contrary to his or her religious beliefs, or provide
6 for the exclusion of a child from the program because of a parent
7 or guardian having filed the letter. However, if there is good cause
8 to believe that a child is suffering from a recognized contagious
9 or infectious disease, the child shall be temporarily excluded from
10 the program until the governing board of the child care and
11 development program is satisfied that the child is not suffering
12 from that contagious or infectious disease.

13 (f) Regulations formulated and promulgated pursuant to this
14 section shall include the recommendations of the State Department
15 of Health Care Services relative to health care screening and the
16 provision of health care services. The Superintendent shall seek
17 the advice and assistance of these health authorities in situations
18 where service under this chapter includes or requires care of
19 children who are ill or children with exceptional needs.

20 (g) The Superintendent shall establish guidelines for the
21 collection of employer-sponsored child care benefit payments from
22 a parent whose child receives subsidized child care and
23 development services. These guidelines shall provide for the
24 collection of the full amount of the benefit payment, but not to
25 exceed the actual cost of child care and development services
26 provided, notwithstanding the applicable fee based on the fee
27 schedule.

28 (h) The Superintendent shall establish guidelines according to
29 which the director or a duly authorized representative of the child
30 care and development program will certify children as eligible for
31 state reimbursement pursuant to this section.

32 (i) Public funds shall not be paid directly or indirectly to an
33 agency that does not pay at least the minimum wage to each of its
34 employees.